REMARKS/ARGUMENTS

Claims 1, 3-9, 11-16, 18-23, and 25-30 are rejected. Claims 1, 3, 5-9, 11, 13-16, 18, 20-23, 25, 27-30 remain pending. Please cancel Claims 4, 12, 19, and 26. Claims 1, 5, 6, 8, 9, 16, 23, and 27 are amended herein. No new matter is added as a result of the claim amendments.

CLAIM REJECTIONS 35 U.S.C. §103

Claims 1, 3-9, 11-16, 18-23, and 25-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wilson et al. (U.S. Pat. No. 6,470,025), hereinafter referred to as "Wilson," in view of Gulliford et al. (U.S. Pat. No. 6,618,355), hereinafter referred to as "Gulliford." The Applicant respectfully asserts that the features recited in independent Claims 1, 9, 16, and 23 are not rendered obvious by Wilson alone, or in combination with Gulliford for at least the following rationale. Independent Claim 1 recites (emphasis added):

A method of managing traffic in a first set of nodes of a computer network having first set of nodes and a second set of nodes comprising:
determining a source associated with an amount of network traffic over the first set of nodes comprising a first VLAN which exceeds a threshold, the source being outside a group of network elements assigned to the first set of nodes;
automatically displaying an indication of the source in response to determining the source, wherein determining the source includes:
determining top talker sources over said first VLAN and a second VLAN;
determining VLAN identifiers for the top talker sources; and
displaying the indication if the VLAN identifier of at least one of the top talker sources is not the same as the VLAN identifier of said first VLAN being tested; and
reassigning the source to said first VLAN in response to determining the source comprises a node of a second VLAN.

Independent Claims 9, 16, and 23 recite similar features. The Applicant submits that Wilson alone, or in combination with Gulliford, fails to disclose the features of determining a source associated with an amount of network traffic over the first set of

nodes comprising a first VLAN which exceeds a threshold, determining the source being outside a group of network elements assigned to the first set of nodes and reassigning the source to said first VLAN in response to determining the source comprises a node of a second VLAN as recited in independent Claims 1, 9, 16, and 23. The rejection states that Wilson discloses, "determining a source associated with an amount of network traffic over the first set of nodes, the source being outside a group of network elements assigned to the first set of nodes." The Applicant does not understand Wilson to recite this feature. Instead, the Applicant understands Wilson to disclose a system in which traffic from each VLAN is monitored independently The amount of traffic from a particular VLAN determines its priority for access to a physical communication medium (col. 3, lines 60-col. 4, line 8). If the traffic of a particular VLAN is below a threshold level, it receives priority access to the physical communication medium. If the traffic of a particular VLAN is above a threshold level, it receives lower priority access to the physical communication medium (col. 4, lines 9-19).

The Applicant does not understand Wilson to disclose the features of determining a source associated with an amount of network traffic over the first set of nodes comprising a first VLAN which exceeds a threshold, determining the source being outside a group of network elements assigned to the first set of nodes and reassigning the source to said first VLAN in response to determining the source comprises a node of a second VLAN as recited in independent Claims 1, 9, 16, and 23. More specifically, the Applicant does not understand Wilson to disclose discovering that traffic on a first VLAN originated at a node of a second VLAN, nor to disclose reassigning the node from the second VLAN to the first VLAN as recited in independent Claims 1, 9, 16, and 23.

The Applicant asserts that Gulliford fails to overcome the shortcomings of Wilson. The rejection states, "the virtual LAN (VLAN) standard allows for grouping nodes into Logical LAN groupings on a single fabric." The Applicant understands Gulliford to disclose a wireless network system 300 for conveying data to various subscriber nodes. The Applicant does not understand Gulliford to disclose any logical grouping of nodes into as VLAN as described in the rejection. Furthermore, the Applicant understands Gulliford to disclose accumulating traffic information based upon an individual subscriber's use of the network (col. 14, lines 59-66). However, the Applicant does not understand Gulliford to disclose determining a source associated with an amount of network traffic of a first VLAN an wherein the source comprises a node of a second VLAN as recited in independent Claims 1, 9, 16, and 23.

The rejection further states that Gulliford discloses reassigning the source node from the second VLAN to the first VLAN. More specifically, the rejection cites column 7, line 25-40. The Applicant has reviewed the cited art and does not Gulliford to disclose this recited feature. Gulliford discloses in column 7, lines 25-40:

> According to one aspect of a preferred embodiment of the invention, a data network spans a plurality of nodes with point-to-point type radio link connections adapted to provide networking features of the present invention. The network preferably includes millimeter wave technology radio stations located at respective nodes, each radio station in radio communication with one or more other radio stations for communicating data between the stations. Also located at each node is a data interface device connected to receive data from the associated radio station. The data interface selectively routes data addressed to the node to the node. Data not addressed to the particular node is combined with data originating at the node and provided to the radio station for transmission to a subsequent node.

The Applicants do not understand the above portion of the cited art to disclose reassigning a node of a second VLAN to a first VLAN as recited in independent Claims 1, 9, 16, and 23 and request clarification.

"As reiterated by the Supreme Court in KSR, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries" including "ascertaining the differences between the claimed invention and the prior art" (MPEP 2141(II)). "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious" (emphasis in original; MPEP 2141.02(I)). Applicants note that "the prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141(III)).

The Applicants assert that Wilson alone, or in combination with Gulliford, fails to disclose determining a source associated with an amount of network traffic over the first set of nodes comprising a first VLAN which exceeds a threshold, determining the source being outside a group of network elements assigned to the first set of nodes and reassigning the source to said first VLAN in response to determining the source comprises a node of a second VLAN as recited in independent Claims 1, 9, 16, and 23. Furthermore, the rejection does not explain why the differences between the cited art and the feature s recited in Claims 1, 9,16, and 23 would have been obvious to one of

ordinary skill in the art. Accordingly, the Applicant submits that the rejection of Claims

1, 9, 16, and 23 under 35 U.S.C. §103(a) is not supported by the cited art.

Claims 3 and 5-8 depend from Claim 1 and recite additional features descriptive

of embodiments of the present invention. Accordingly, the Applicant submits that the

rejection of Claims 3 and 5-8 under 35 U.S.C. §103(a) is not supported by the cited art.

Claims 11 and 13-15 depend from Claim 9 and recite additional features

descriptive of embodiments of the present invention. Accordingly, the Applicant

submits that the rejection of Claims 11 and 13-15 under 35 U.S.C. §103(a) is not

supported by the cited art.

Claims 18 and 20-22 depend from Claim 16 and recite additional features

descriptive of embodiments of the present invention. Accordingly, the Applicant

submits that the rejection of Claims 18 and 20-22 under 35 U.S.C. §103(a) is not

supported by the cited art.

Claims 25 and 27-30 depend from Claim 23 and recite additional features

descriptive of embodiments of the present invention. Accordingly, the Applicant

submits that the rejection of Claims 25 and 27-30 under 35 U.S.C. §103(a) is not

supported by the cited art.

CONCLUSION

In light of the above remarks, Applicant respectfully requests allowance of the now allowable Claims 1, 3, 5-9, 11, 13-16, 18, 20-23, 25, 27-30.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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